

REMARKS

Claims 8-28 are pending in this application. By this Amendment, no claim is amended and claims 20-28 are added.

Applicants gratefully acknowledge the Examiner's indication that claims 12 and 15-19 are allowed. New claims 20-23 depend from allowed claim 12 and, Applicants submit, are therefore allowable.

The Claimed Invention

An exemplary embodiment of the invention, as recited by independent claim 8, is directed to a coffee machine that includes a housing and a brewing chamber disposed within the housing; and a drawer for supplying coffee pads into the brewing chamber, the drawer being removably and detachably connected to the housing.

Conventional coffee machines that include a drawer for holding a coffee pad require the coffee pad to be removed by hand because the drawer is fixed to the coffee machine and is not removable.

The present invention addresses and solves this problem by providing a drawer that is removably and detachably connected to the housing of the coffee machine.

The Pfeifer Reference

The Office Action rejects claims 8-11 and 14 under 35 USC §102(a) as allegedly being anticipated by U.S. Patent No. 6,904,840 to Pfeifer et al. Applicants respectfully traverse the rejection.

The applied reference does not teach or suggest the features of the claimed invention including 1) a drawer for supply coffee pads into a brewing chamber, the drawer being removably and detachably connected to the housing (claim 8); 2) ends of continuations that are at least slightly beveled with respect to the direction of insertion for centering insertion of the drawer (claim 10); and a coffee pad retainer mounted telescopically on the drawer (claim

14). As explained above, these features are important for a user to be able to remove a used coffee pad without touching the coffee pad.

Further, considering the claimed invention as a whole, providing the removable and detachable nature of the drawer enables removing the coffee pad from the drawer without the user having to touch the coffee pad. Pfeifer does not teach or suggest a removable and detachable drawer because pod holder 72 of Pfeifer can be removed from tray assembly 16 (the feature of Pfeifer applied by the examiner to correspond to the claimed drawer) (see col. 6, lines 6-8). As a result, Pfeifer does not teach or suggest any reason for removing tray assembly 16 from the coffee machine.

The Office Action alleges that “the drawer is guided and supported by rails and guide wheels which allow for a fluid movement forward and backward. A removal of the rails from the guide wheels would allow for removal of the drawer from the housing. It should also be noted that the drawer could be manually removed and placed within the housing by some form of force if need be.” Applicants respectfully submit that the allegation that the drawer could be manually removed and placed within the housing by some form of force stretches the interpretation of this language well beyond any broadest reasonable interpretation.

“During patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification. . . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. . . This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. . . .”

“‘PLAIN MEANING’ REFERS TO THE ORDINARY AND CUSTOMARY MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART”

“[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention. . . It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the ‘ordinary’ and the ‘customary’ meaning of the terms in the claims.”

(Emphasis original, M.P.E.P. § 2111 and 2111.01).

Applicants respectfully submit that the allegation that the drawer could be manually removed and placed within the housing by some form of force stretches the interpretation of the claim language well beyond any broadest reasonable interpretation and certainly beyond any plain meaning of the terms, such as, for example, “removably connected” and “detachably connected” as interpreted by those skilled in the art.

To allege that the drawer could be manually removed and placed within the housing by some form of force stretches the meaning of these terms beyond the plain meaning in a manner which renders the meaning inconsistent with the specification as it would have been read and interpreted by one of ordinary skill in the art. The specification describes an exemplary embodiment of a coffee machine having a slide-in area 120 into which a drawer 122 can be slid. The drawer is positioned in the coffee machine in a detachable manner so that the used coffee pad can be removed from the coffee machine together with the drawer to enable a user to remove the coffee pad from the coffee machine without touching the coffee pad. One of ordinary skill in the art would interpret the claim language to mean that the drawer can be removed from the coffee machine without breaking the drawer or the coffee machine. One of ordinary skill in the art would not interpret the claim language so broadly as to read upon the tray assembly 16 of Pfeifer. Pfeifer does not teach or suggest that tray assembly 16 is made to be removable without breaking it or the coffee machine. Applicants respectfully submit that one of ordinary skill in the art would not have interpreted the claim language so broadly as to read upon a tray or drawer that is not made to be removable and replaceable in the normal use of the coffee machine and, in fact, any such interpretation would be inconsistent with the specification as understood by one of ordinary skill in the art. The allegation that tray assembly 16 corresponds to the claimed drawer stretches the interpretation of this term well beyond any reasonable interpretation and certainly beyond the plain and/or ordinary and customary meaning that would be applied to the terms by one of ordinary skill in the art.

Regarding claim 10, the Office Action does not indicate what part of Pfeifer corresponds to the claimed ends of the continuations that are at least slightly beveled with

respect to the direction of insertion for centering insertion of the drawer. Because tray assembly 16 is not removed in normal use of the coffee machine, it is unclear why any beveling would be beneficial. This is particularly true for beveling in the direction of insertion since tray assembly 16 does not need to be reinserted into an opening.

Regarding claim 14, the Office Action provides nothing to support the rejection. Applicants respectfully request that some direction be given as to what part of Pfeifer is being relied upon to support this rejection.

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (37 CFR §1.104(c)(2)).

Further, it appears that no telescopic movement is shown in Pfeifer.

In view of the foregoing, Applicants respectfully submit that Pfeifer does not disclose each and every feature of Claims 8-11 and 14, and therefore rejection under 35 USC §102(a) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Pfeifer Reference in view of the Basile Reference

The Office Action rejects claim 13 under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent No. 6,904,840 to Pfeifer et al. in view of U.S. Patent No. 6,510,783 to Basile et al. Applicants respectfully traverse the rejection.

As explained above, Pfeifer does not teach or suggest the feature of a drawer for supply coffee pads into a brewing chamber, the drawer being removably and detachably connected to the housing as recited by independent claim 8, from which claim 13 depends.

Basile does not remedy the deficiencies of Pfeifer.

Indeed, the Examiner does not allege that Basile teaches or suggests the feature of a drawer for supply coffee pads into a brewing chamber, the drawer being removably and detachably connected to the housing as recited by independent claim 8.

Further, the Office Action simply states that Basile discloses a drawer for a coffee machine, the drawer having a base which includes a central opening surrounded by smaller openings of a screen member. Applicants respectfully submit that Basile does not teach or suggest either a central opening or further openings in the bottom of a drawer (see col. 7, lines 14-22 and Fig. 2). Applicants respectfully request that some direction be given as to what parts of Basile are being relied upon to support this rejection.

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (37 CFR §1.104(c)(2)).

In view of the foregoing, Applicants respectfully submit that the combination of Pfeifer and Basile does not suggest the features of claim 13, and therefore rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

New Claims

Claims 20-23 ultimately depend from allowed claim 12. As a result, Applicants submit that claims 20-23 are allowable.

Claims 24-28 ultimately depend from claim 8 and include features that are not taught or suggested by the applied references.

CONCLUSION

In view of the above, Applicants respectfully request entry of the present Amendment and allowance of claims 8-11, 13, 14 and 20-28. Claims 12 and 15-19 are allowed. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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